

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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PAMELA STEIN,

Plaintiff,

Case No. 20-cv-675-pp

v.

TOWN N COUNTRY TITLE LLC,  
and NANCY MCHUGH,

Defendants.

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**ORDER REMINDING PLAINTIFF OF OPTION TO FILE AMENDED  
COMPLAINT IN LIEU OF RESPONDING TO DEFENDANTS' MOTION TO  
DISMISS (DKT. NO. 10)**

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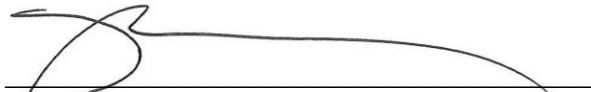
On July 1, 2020, the defendants filed a motion to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6) and a brief in support of the motion. Dkt. Nos. 10, 11. The defendants argue that the plaintiff did not allege that defendant McHugh is an “employer” and there is no individual liability under Title VII or the ADA; McHugh, individually, was not named in any charge of discrimination so the plaintiff failed to exhaust her administrative remedies against McHugh; the plaintiff has alleged discriminatory acts that are time-barred; the plaintiff failed to allege a *prima facie* case of discrimination on the basis of religion; the plaintiff has failed to state facts to allege supplemental jurisdiction for any state law claims; and Title VII does not cover discrimination claims based on age. Dkt. No. 11 at 1.

Under Civil Local Rule 7(b), if the plaintiff wishes to oppose the motion she must do so within twenty-one days—that is by July 22, 2020. The plaintiff is free to timely file a response to the motion to dismiss, but the court reminds the plaintiff that she has another option—she may file an amended complaint to try to cure the alleged deficiencies. See Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. and Nw. Ind., 786 F3d 510, 522 (7th Cir. 2015) (explaining that a responsive amendment may avoid the need to decide the motion or reduce the number of issues decided). Fed. R. Civ. P. 15(a)(1) allows the plaintiff to file the amended complaint as a matter of course within twenty-one days after service of the responsive pleading.

The court **ORDERS** that by July 22, 2020 the plaintiff shall file either an amended complaint or a response to the motion to dismiss.

Dated in Milwaukee, Wisconsin this 6th day of July, 2020.

**BY THE COURT:**

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

**HON. PAMELA PEPPER**  
**Chief United States District Judge**